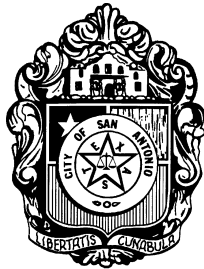


RULES OF THE MUNICIPAL COURT



CITY OF
SAN ANTONIO
BEXAR COUNTY, TX

Pursuant to the authority of Section 30.098 of the Texas Government Code and Ordinance #61318 of the City of San Antonio, the following Rules of the Municipal Court of the City of San Antonio, Texas, are hereby adopted effective January 1, 2002. Furthermore, all prior Rules of Municipal Court are hereby rescinded effective December 31, 2001.

It is intended that these Rules be construed consistent with Article 45.001 of the Texas Code of Criminal Procedure. Furthermore, these Rules may be amended from time to time so as to be consistent with State and Federal law and the Ordinances of the City of San Antonio.

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RULE 1

ARRAIGNMENT SETTINGS

The court appearance date that appears on a citation or summons is an arraignment setting.

RULE 2

ARRAIGNMENT DOCKET

- A. The purpose of the arraignment setting is to determine the defendant's plea to the offense charged and for the Court to apprise defendants of their Constitutional Rights. At the arraignment setting, the defendant may enter a plea of guilty, not guilty, or nolo contendere (no contest). If the plea is guilty or nolo contendere, the defendant may give an explanation in mitigation of any fine to be assessed prior to the judge assessing a fine. If a not guilty plea is entered, the case will be set for a trial at a later date. If the defendant wishes to have a trial by jury, a jury trial request may be made at the arraignment.
- B. Arraignment for those persons detained in the City of San Antonio Detention Facility for criminal offenses within the jurisdiction of the City of San Antonio Municipal Court shall be held each day of the week at times prescribed by the acting Magistrate or by the Presiding Judge.
- C. At least one prosecuting attorney shall be present at each arraignment docket to represent the State.

RULE 3

CONTINUANCES

- A. Upon oral or written motion of the State or the defendant or his attorney, the Court may grant a continuance upon a showing of good cause. All motions for continuances should be filed at least ten (10) days prior to the trial date and may be heard at such time as the Court may specify. Any motions for continuance filed less than the ten (10) days may be granted, as deemed necessary by the Court.
- B. For the convenience of the public, a form motion is available for the use by the defendant or his attorney at the public service counter.
- C. Initial requests for continuances on Department of Public Safety administrative hearings may be requested through the Department of Public Safety Office, located on the first floor of Municipal Court. The maximum length of continuance obtained in this manner shall be 30 days. Only the judge presiding over the Department of Public Safety docket may grant all subsequent requests for a continuance.

RULE 4

TRIAL SETTINGS

- A. A request for a trial may be made prior to or at the scheduled arraignment docket. The request shall specify either a jury or nonjury setting.
- B. Upon making a request for trial, the attorney of re-

cord shall provide his name, office address, bar card number, and telephone number. A defendant representing himself and requesting a trial shall provide current work and home address and telephone numbers.

- C. Jury cases are set in the Municipal Court at 8:00 a.m. and 1:00 p.m. Monday through Friday and at such other times as the Presiding Judge may designate.

RULE 5 JUVENILES

- A. A person who is considered a juvenile (10-17 years of age), and is charged as a juvenile with an offense within the jurisdiction of the Municipal Court, must be accompanied by a parent or legal guardian at all appearances. No action will be taken unless the juvenile is so accompanied by such parent or legal guardian. However, the Court may hear the case if satisfied that due diligence has been used to obtain the presence of the parent or legal guardian.
- B. A minor (under 21 years of age) charged with an alcohol related offense under Chapter 106 of the Alcoholic Beverage Code must be present in open court before a judge to enter a plea of guilty or no contest. Furthermore, no person under 18 years of age may be convicted of an alcohol-related offense without the parent or legal guardian present. However, the court may hear the case if satisfied that due diligence has been used to obtain the presence of the parent or legal guardian.

RULE 6

ANCILLARY DOCKETS

The Presiding Judge may create Ancillary Dockets at such times and dates as may be deemed necessary.

RULE 7

TRIAL DOCKET

- A. All cases set on the trial docket will be called at the time for which they are set, whereupon the State and the defendant are expected to announce ready for trial subject to the hearing on any properly filed pre-trial motions.
- B. If the Defendant fails to appear in person and announce ready for trial at the time the case is called for trial without showing good cause, the Court may issue a warrant for the defendant's arrest and may require that the defendant post a bond.
- C. If the State fails to appear and announce ready for trial at the time a case is called for trial, without showing good cause, the Court may proceed to trial.
- D. The Court may, at the request of either the State or the defendant, or on its own motion, specially set a case for trial on the merits.

RULE 8

PRETRIAL MOTIONS

- A. All pretrial motions will be heard prior to the commencement of the trial on the merits.
- B. At the discretion of the Court, pretrial motions may be set for a hearing upon written request of either party, as governed by Chapters 27 and 28 of the Rules of Criminal Procedure, and all other applicable rules regarding the hearing of pretrial motions. All motions, including motion for continuance, will be filed in the Office of the Court Section, Municipal Court, in triplicate. The motion shall include a certificate of service as provided by Rule 21a of the Texas Rules of Civil Procedure.

RULE 9

JURY TRIALS AND REQUIRED FEES

A defendant convicted by a jury in a trial shall pay a jury fee of \$3.00 unless released from the obligation by the Court for good cause. (See Texas Code of Criminal Procedure, Articles 45.026 and 102.004)

RULE 10

COURTROOM DECORUM

The Court is charged with the responsibility of maintaining proper order and decorum. Accordingly, the Court shall require all litigants, jurors, witnesses, lawyers, and others with

whom the Judge deals in an official capacity, to conduct and dress themselves in a manner deemed fitting and respectable.

RULE 11

MOTION FOR NEW TRIAL

A written motion for new trial must be filed by the defendant or the defendant's attorney in the Office of the Court Section, Municipal Court, no later than the tenth (10th) day after judgment is rendered, unless such time is extended by the Court for good cause upon proper written motion.

RULE 12

APPEAL BOND

An appeal bond is required to perfect an appeal from the Municipal Court. All appeal bonds require the signature and address of the defendant. An appeal bond must be approved by the Court and must be filed not later than the tenth (10th) day after the date on which the motion for new trial is overruled. Appeal bonds shall comply with Chapter 45 of the Texas Code of Criminal Procedure.

RULE 13

PROCEDURE FOR POSTING BOND

- A. When the defendant is in the custody of the City of San Antonio Police Department, bond will be made at the Bexar County Adult Detention Cen-

ter, 200 N. Comal, San Antonio, Texas, which is open twenty-four hours a day. Either cash or surety bonds may be made at the Bexar County Adult Detention Center to secure the release of the defendant from police custody.

- B. In all cases where the defendant is in the custody of any other law enforcement agency and there is a “hold order” placed upon said defendant by the City of San Antonio for delinquent charges, the defendant may secure his release as follows:
1. Post a cash bond after the defendant is transferred to the Bexar County Adult Detention Center;
 2. Post a surety bond by having the defendant sign a properly executed surety bond and return it to the Bexar County Adult Detention Center; or
 3. Post a personal recognizance bond, which is granted only by the magistrate assigned to hear the jail arraignment docket.
 4. The defendant must sign all bonds.
 5. All bail bonds shall comply with Chapter 17, Texas Code of Criminal Procedure.

RULE 14

AMOUNT OF BOND

- A. Each Municipal Court Judge shall set the amount of bail in cases under their jurisdiction.
- B. In appropriate cases, the amount of bond required might be increased or decreased only by the Presiding Judge or the judge of the court in which the case is docketed.

RULE 15

BOND FORFEITURE

- A. The purpose of a bail bond is to ensure the appearance of a defendant before the Court to answer a criminal accusation.
- B. If the defendant fails to appear in court as scheduled, the Court may issue a Judgment Nisi, a warrant for the defendant's arrest, and may increase the bail in each case. Bonds are forfeited according to the Code of Criminal Procedure and all other applicable laws dealing with the final forfeiture of bail.

RULE 16

EXPUNCTION

- A. All procedures concerning expunction of criminal records shall conform to the requirements of Chapter 55 of the Texas Code of Criminal Procedure.

- B. Copies of Chapter 55 of the Texas Code of Criminal Procedure will be available upon request at no cost to defendants or their attorney at the public service counter.

RULE 17

REVIEW OF COURT DOCUMENTS

- A. The Office of the Court Section shall make court documents available for review under reasonable conditions and safeguards, and as required by law.
- B. At no time may a defendant or his attorney remove the original complaint from the court jacket.

RULE 18

CERTIFIED COPIES

Certified copies of court documents may be obtained from the Municipal Court Office of the Court Section at the fees set forth by the City of San Antonio. Upon request, a defendant is entitled to one (1) free uncertified copy of the complaint of a pending case only.

RULE 19

ADMINISTRATIVE HEARINGS

- A. Hearings involving driver's license suspensions or revocations are administrative rather than criminal proceedings.

- B. Continuances for driver's license suspension hearings are governed by Rule 3(C).
- C. Parking violations are civil offenses and are heard by an Administrative Hearing Officer.
- D. Affirmative findings of the Administrative Hearing Officer may be appealed to a Municipal Court Judge in accordance with Chapter 682 of the Texas Transportation Code.

RULE 20 VACATIONS

- A. Where no trial settings have taken place, each attorney desiring to ensure that they will not be assigned to trial during a vacation period, not to exceed four (4) weeks, shall submit a vacation request in writing to the Office of the Presiding Judge at least 30 days in advance of the scheduled vacation. Such request shall include:
 - 1. The dates of vacation;
 - 2. A list of all attorney's cases set for trial and/or arraignment. The list shall be supplemented by the attorney to include additional cases specified, including defendant's name, cause number, court number, date and time of setting; and
 - 3. The name and address of the person(s) who will receive notice of new court setting date(s).

- B. If such vacation letter has not been filed, or if the attorney desires to change their vacation period to one different from the previous request, the attorney must present an individual motion for each case set during the new/different vacation period requested and shall be recorded by the court having jurisdiction of the case(s). Such motions shall be governed by the rules governing continuances as set forth in the Texas Code of Criminal Procedure and Rule 3 herein.

RULE 21

TRANSFER OF CASE

- A. A Municipal Court Judge presiding over any court or docket shall exercise complete judicial authority over judgments, orders, and process of said Judge's court.
- B. The Presiding Judge may temporarily assign Judges to exchange benches and to sit and act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts.
- C. A Judge may transfer any case set in his court to another court, provided that the court to which the case is to be transferred accepts the case(s). No specified order of transfer need be entered of record.

- D. Except for extreme circumstances, Judges shall not make any disposition or take any action on a case not set on the docket for which that judge is responsible.

RULE 22

SUBSTITUTE JUDGES

The Part-time Judges of the Municipal Court, when sitting, have the same powers as other Municipal Courts judges, including the powers and duties of a magistrate. They shall serve in such courts and at such times as prescribed by the Presiding Judge.

The Rules of the Municipal Court of the City of San Antonio, Texas, as provided herein shall become effective January 1, 2002.

Signed and Ordered this 30th day of November 2001.

Alfredo M. Tavera

Alfredo M. Tavera
Presiding Judge, Municipal Courts
City of San Antonio, Texas



San Antonio Municipal Court
401 S. Frio St.
San Antonio, TX 78207